

## **Rights and Security International's Submissions for the United Nations Special Rapporteur on Freedom of Religion or Belief's Report on Anti- Muslim Hatred and Discrimination**

1. Rights and Security International (RSI), previously Rights Watch (UK), is a charity registered in England and Wales (Reg. No. 1048335). We work to promote just and effective security. For over three decades, RSI has been advocating for a rights-based approach to national security, and holding governments to account for unlawful actions taken in the name of national security. Our vision is of a world which recognises that our individual freedoms are essential to our collective security.
2. RSI is grateful for the opportunity to make a submission to the UN Special Rapporteur on Religion and Belief's report on Anti-Muslim Hatred and Discrimination. This submission address one of the issues identified under the heading of Discrimination in Law and Practice, namely, counter-terrorism measures and preventing violent extremism legislations, 'that evidently discriminate against Muslims based on religious or racial profiling and have negative impacts on them'.
3. RSI has conducted extensive research on the UK's counterterrorism strategy. Our July 2016 report, *Preventing Education? Human Rights and UK Counter-Terrorism Policy in Schools*, drafted in response to concerns raised to us by members of Muslim communities, highlighted a plethora of fundamental flaws in the system, primarily based on its unclear and illogical nature, with a lack of oversight or consideration for the human rights and social cohesion impacts of the policy, alongside a continued targeting and stigmatisation of Muslims.

### **The Prevent Strategy**

4. *Prevent* is a key pillar of the UK's counterterrorism strategy, CONTEST. Its stated objective is to 'stop people becoming terrorists or supporting terrorism'. According to the Prevent strategy, preventing terrorism entails 'challenging extremist (and non-violent ideas) that are also part of terrorist ideology', with extremism defined as, 'vocal opposition to Fundamental British Values'.<sup>1</sup>
5. In 2015, the strategy was expanded to include a statutory duty on specified authorities (i.e. schools and universities, alongside health and social services) to show 'due regard to the need to prevent people from being drawn into terrorism'.<sup>2</sup> Since the enactment of the duty there has been a surge in the number of individuals referred to the counter-radicalisation Prevent programmes for showing signs of 'extremism'.
6. Once an individual has been referred to *Prevent*, the police screen the referral and assess three factors: firstly, whether the case is under investigation; secondly, whether there are genuine vulnerabilities; and, finally, whether these vulnerabilities are related to counterterrorism. The police may [1] decide that no further action is required, [2] assess that the vulnerability does not relate to terrorism and accordingly sign post the individual to other services, or [3] refer the case for

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<sup>1</sup> Home Office, '[Revised Prevent duty guidance: for England and Wales](#)' (10 April 2019), § 5.

<sup>2</sup> Under the Counter-Terrorism and Security Act 2015, [s26](#), with a list of authorities subject to the duty found in [Schedule 6](#) to the Act.



assessment by a multi-agency 'Channel Panel'. The panel gathers further information and determines whether the case requires a Channel intervention.<sup>3</sup>

7. In 2019/20, over 6068 individuals, including children, were referred to the *Prevent* programme. Half of the referrals led to sign posting to other services as they did not raise concerns relating to terrorism, and 27 percent of referrals required no further action.

While Channel Panels discussed 23 percent of referrals, in only half of these cases did this lead to further Channel interventions. Thus, only 11 percent of all referrals were found to require a Channel intervention.<sup>4</sup>

8. The published Prevent referral data is presented by types of concern. These are separated into four categories:
  - Islamist
  - Right-Wing Extremism (RWX)
  - Mixed, Unstable and Unclear Ideology (Mixed)<sup>5</sup>
  - Other

### **RSI's concerns about *Prevent***

9. RSI has been involved in researching and publicising some of the problems it has perceived and been alerted to in respect of *Prevent*. We began our work on *Prevent* in 2015, when we initiated research on the impact of the *Prevent* duty in education. This culminated in the publication in July 2016 of its landmark report: *Preventing Education? Human Rights and Counter-Terrorism Policy in Schools*.<sup>6</sup> This was the first report to document the human rights impact and harms arising from the implementation of the statutory *Prevent* duty in schools
10. Some of the key findings of this report include evidence and analysis of specific case studies. These case studies were set out and analysed at [85]–[122] of the Report and evidenced the following issues:
  - a) that the *Prevent* duty was leaving students fearful of exercising their rights to freedom of expression and belief;
  - b) that the *Prevent* duty risked being counter-productive by driving children to discuss issues related to terrorism, religion and identity outside the classroom and online, where simplistic narratives are promoted and go unchallenged;
  - c) that some of the key assumptions underpinning *Prevent* may be flawed, namely that a person holding non-violent extremist views is a reliable precursor of future participation in terrorism;

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<sup>3</sup> See: HM Government, '[Channel Duty Guidance: Protecting Vulnerable People From Being Drawn into Terrorism](#)' (2020).

<sup>4</sup> Home Office, '[Individuals referred to and supported through the Prevent programme – England and Wales, April 2019 to March 2020](#)' (26 November 2020).

<sup>5</sup> The 2017/18 *Prevent* statistics – the first to be released following the introduction of the 'mixed' categorisation – explain that "[t]his category reflects instances where the ideology presented is mixed (involving a combination of elements from multiple ideologies), unstable (shifting between different ideologies), or unclear (where the individual does not present a coherent ideology, yet may still pose a terrorism risk)", see: Home Office, '[Individuals referred to and supported through the Prevent Programme, April 2017 to March 2018](#)', Statistical Bulletin 31/18 (13 December 2018).

<sup>6</sup> Rights and Security International (then Rights Watch (UK)), '[Preventing Education? Human Rights and UK Counter-Terrorism Policy in Schools](#)' (July 2016).

d) that the key indicators of “non-violent extremism” on which the *Prevent* duty is itself predicated are themselves overly broad and vague, being defined in loose terms (“opposition to British values”);

e) that those implementing the positive duty to identify “extremist views” had no background in counter-terrorism work or policy and received, at best, no more than a few hours’ training delivered by video;

f) that the effect of this strategy amounted to a systematic breach of children’s human rights in a school setting including the right to education, freedom of expression, freedom of religion, the right to privacy, freedom from discrimination and fundamental concern for the child’s best interests.

11. Concerns that the Prevent programme has led to the undue and disproportionate targeting of Muslims are supported by data on *Prevent* referrals published by the UK Government. In the first two years for which Prevent data was published (2015/16<sup>7</sup> and 2016/17<sup>8</sup>), over 60 percent of referrals were identified as related to ‘Islamist’ concerns. In 2017/18,<sup>9</sup> this fell to 44 percent. However, this was the year in which the ‘Mixed’ category was first introduced; 27 percent of the referrals, that year, were identified as related to ‘Mixed, Unstable, and Unclear Ideology’. In the 2019/20 data,<sup>10</sup> the ‘Mixed’ category accounts for 50 percent of all referrals. As the published Prevent data is not disaggregated by religion or ethnic group, it is not possible to know how many of those in the ‘Mixed’ category are Muslims or individuals from minority ethnic backgrounds. Thus, it is not clear whether the fall in referrals relating to Islamist concerns reflects a fall in the referral of Muslims, as it is possible that a significant number of those in the ‘Mixed’ category are Muslim.

12. While the overall data finds that 89 percent of all Prevent referrals did not require a Prevent intervention, there are important difference in the referral and outcome rates between Islamist and RWX concerns that point towards discrimination. In 2019/20, only 14 percent of referrals relating to Islamist concern led to a Channel case, by contrast 22 percent Right-Wing Extremism referrals lead to a Channel case. The rate at which RWX referrals are found to require Channel interventions are almost 50 per cent higher than referrals for Islamist concerns. This suggests a far greater rate of cases of over referral (cases that did not warrant a Channel intervention) for Islamist concerns, compared to RWX.

13. RSI’s shadow report (as Rights Watch (UK)) to the Committee on the Elimination of Discrimination against Women, as part of the UK’s Universal Periodic Review in 2019,<sup>11</sup> evidenced how Muslim women’s rights under the Convention on the Elimination of All Forms of Discrimination against Women are implicated.

<sup>7</sup> Home Office, [‘Individuals referred to and supported through the Prevent Programme, April 2015 to March 2016’](#), Statistical Bulletin 23/17 (9 November 2017).

<sup>8</sup> Home Office, [‘Individuals referred to and supported through the Prevent Programme, April 2016 to March 2017’](#), Statistical Bulletin 06/18 (27 March 2018).

<sup>9</sup> Home Office, [‘Individuals referred to and supported through the Prevent Programme, April 2017 to March 2018’](#), Statistical Bulletin 31/18 (13 December 2018).

<sup>10</sup> Home Office, [‘Individuals referred to and supported through the Prevent programme – England and Wales, April 2019 to March 2020’](#) (26 November 2020).

<sup>11</sup> Rights and Security International (then Rights Watch (UK)), [‘Shadow Report of Rights Watch \(UK\) Submitted to the Committee on the Elimination of Discrimination against Women for the Eighth Periodic Review of the United Kingdom, 2019’](#) (30 January 2019).

14. For example, BME women victims and organisations have identified Prevent as a barrier facing BME women reporting domestic violence due to the distrust the policy has sown between minority communities and the authorities.<sup>12</sup>

15. BME women victims have also stated that the policy deters them from reporting incidents to the police for fear of being viewed by police as belonging to a ‘radical’ community, and also due to concern that they would face backlash from their own community.<sup>13</sup> Such consequences of the UK Government’s counter-extremism policies have the effect, therefore, of reinforcing existing social and cultural structures of discrimination and ill-treatment towards women, and deterring women’s trust for, and engagement with, the public services. RSI is concerned that these outcomes are inconsistent with the UK’s obligations under CEDAW in respect of anti-discrimination,<sup>14</sup> advancement,<sup>15</sup> and promoting engagement in public life,<sup>16</sup> as well as the UK’s obligation to take appropriate measures to achieve the elimination of prejudices and customary and other practices which subjugate women.<sup>17</sup>

16. A study by the School of Oriental and African Studies concluded that Muslim students are self-censoring their conduct and withdrawing from public participation in order to avoid the ‘extremist’ label.<sup>18</sup> The policy of outsourcing violent extremism identification to public sector workers, albeit with some basic training,<sup>19</sup> as well as the general public, encounters negative consequences. Alongside public participation and the mitigation or ‘self-censoring’ of personal or religious views, this likewise impacts individuals who display markers of their Muslim identity, such as women who wear the hijab, jilbab, niqab, or burqa. When surveillance is ‘outsourced’ to the general public, the surveillance of such individuals is likely to be significantly greater; such individuals are placed at higher risk of unmeritorious Prevent referrals.

17. RSI is therefore concerned that the UK Government’s counterterrorism and counter-extremism policies, particularly Prevent, which explicitly and implicitly incite the surveillance of persons displaying visible signs of Muslim identity, including women, appear to discourage Muslim communities from full participation in civic life.

18. Concerns about the Prevent strategy focusing on Muslims has led to criticism by the Community and Local Government Select Committee in its 2010 report, *Preventing Violent Extremism*, that *Prevent* was “stigmatising, potentially alienating” and failed “to address the fact that that no section of a population exists in isolation from others”.<sup>20</sup> Whilst the *Prevent* strategy has evolved since then, the fundamental propensity of the strategy to create these effects has remained, and has been

<sup>12</sup> Sisters for Change, [‘Unequal Regard, Unequal Protection: Public Authority Responses to Violence Against BME Women in England’](#) (September 2017).

<sup>13</sup> *Ibid.*

<sup>14</sup> CEDAW, Article 2.

<sup>15</sup> CEDAW, Article 3.

<sup>16</sup> CEDAW, Article 13.

<sup>17</sup> CEDAW, Article 5.

<sup>18</sup> SOAS, [‘Muslim Students Self-Censor on UK Campuses, According to Initial Findings From SOAS Research’](#) (10 September 2018).

<sup>19</sup> The training itself is severely lacking. See Rights and Security International (then Rights Watch (UK)), [‘Preventing Education? Human Rights and UK Counter-Terrorism Policy in Schools’](#) (July 2016), §§ 8-10.

<sup>20</sup> House of Commons Communities and Local Government Committee, [‘Preventing Violent Extremism, Sixth Report of Session 2009-10’](#) (HC 65) (London: The Stationary Office, 2010), p. 3.

reinforced by extending the statutory duty to the education and medical sectors, thereby entrenching the natural sense of stigmatisation and surveillance.

19. In 2016, the House of Commons Home Affairs Committee published its report *Radicalisation: the counter-narrative and identifying the tipping point*.<sup>21</sup> The report addressed concerns regarding *Prevent* directly, noting it “has been subject to much criticism”.<sup>22</sup> It referred to evidence from the Muslim Council of Britain and oral evidence from Baroness Warsi to the effect that *Prevent* was seriously lacking in its community cohesion aspect.<sup>23</sup> The report noted that Baroness Warsi specifically criticized the lack of proper engagement from the Government on *Prevent*.<sup>24</sup> It further highlighted evidence that the Muslim community felt “*under siege*”, and noted the real risk that the Muslim community saw *Prevent* as a spying programme.<sup>25</sup> The report relied on evidence from community groups stating that dialogue and engagement were needed to foster trust.<sup>26</sup> It also referred to former Metropolitan Police Chief Superintendent Dal Babu’s comments in 2015 that *Prevent* was a “*toxic brand*” run mainly by “*white officers with little understanding of Islam, gender or race*”.

20. In the same year, the House of Commons Women and Equalities Committee published a report *Employment Opportunities for Muslims in the UK*. It noted that in the course of their enquiry there were individual Muslims who were “reluctant to engage with us for fear that our enquiry was part of the *Prevent* programme”.<sup>27</sup>

21. These and other concerns voiced by Muslim communities have been examined and endorsed by the Citizens Commission on Islam, Participation and Public Life in 2017 (chaired by the Rt Hon Dominic Grieve QC MP) in its report ‘*The Missing Muslims: Unlocking British Muslim Potential for the Benefit of All*’.<sup>28</sup> The Commission noted that the systematic issues associated with *Prevent* were raised at every location that the Commission visited. It noted concerns about the unfair targeting of Muslims, the poor definition of extremism, the securitisation of safeguarding<sup>29</sup> and the erosion of trust with public authorities.<sup>30</sup> These concerns were echoed by the Muslim Council of Britain in 2017 in its briefing to the Labour Party, *Impact of Prevent on Muslim Communities*,<sup>31</sup> in which it argued that *Prevent*’s approach was fundamentally problematic and lacking in firm evidence.<sup>32</sup>

<sup>21</sup> [HC Home Affairs Select Committee Report](#), 25 August 2016 (Eighth Report of 2016-17): *Radicalisation: the counter-narrative and identifying the tipping point* (HC 35).

<sup>22</sup> At [47].

<sup>23</sup> At [47] and [48].

<sup>24</sup> Baroness Warsi expressed frustration at “the number of people the Government refuses to speak to” at [48].

<sup>25</sup> At [54].

<sup>26</sup> At [50].

<sup>27</sup> House of Commons Women and Equalities Committee, [Employment Opportunities for Muslims in the UK, Second Report of Session 2016-17](#) (HC 89) at [25].

<sup>28</sup> Citizens Commission on Islam, Participation and Public Life ‘[The Missing Muslims: Unlocking British Muslim Potential for the Benefit of All](#)’ (2017) at [53] onwards.

<sup>29</sup> *Prevent-as-safeguarding* frame has been challenged by social work academics who have argued both that the logic of *Prevent* is not the same as that which has traditionally underpinned safeguarding, since safeguarding is supposed to be about protecting children, not protecting society from what children might do, see Coppock, V. and McGovern, M. (2014) ‘[Dangerous minds? De-constructing counter-terrorism discourse, radicalisation and the ‘psychological vulnerability’ of Muslim children and young people in Britain](#)’, *Children and Society*, 28, 242-256.

<sup>30</sup> At [53].

<sup>31</sup> Muslim Council of Britain, ‘[The Impact of Prevent on Muslim Communities: A briefing to the Labour Party on how British Muslim Communities are affected by Counter-Extremism Policies](#)’ (2016).

<sup>32</sup> At [1.2.1]–[1.2.5] and at [7].

22. In 2017, the Parliamentary Joint Committee on Human Rights conducted another inquiry and published a report *Free Speech at Universities*, which directly considered the impact of the *Prevent* duty on campus.<sup>33</sup> In its report, the Committee noted it had received a large amount of evidence suggesting that *Prevent*, while difficult to measure, was having a chilling effect on freedom of expression and religion in Universities, including by dissuading Muslim students from participating in student life and activism and utilizing university prayer rooms.<sup>34</sup> In September 2018, further research led by Professor Scott-Bauman at SOAS University of London found that “many Muslims are self-censoring and disengaging from UK campus life” as a result of the *Prevent* strategy.<sup>35</sup>
23. The British Medical Association has also expressed serious concerns about the duty to refer individuals to the *Prevent* programme due to it leading to racial profiling.<sup>36</sup>
24. RSI’s prolonged research and analysis of the UK’s *Prevent* counter-terrorism strategy indicates that it has further engrained anti-Muslim bias and discrimination within counter-terrorism operations, with the effect of marginalising Muslim communities. The application of the duty on education and health and social care providers discourages individuals from these communities both from accessing such services, but also from constructively engaging with controversial topics in public and safe spaces.

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<sup>33</sup> House of Lords/House of Commons Joint Committee on Human Rights, [Freedom of Speech at Universities Fourth Report of Session 2017-19](#) (HC 589/HL 111).

<sup>34</sup> At [70] and [71].

<sup>35</sup> SOAS, [‘Muslim students self-censor on UK campuses, according to initial findings of SOAS research’](#) (SOAS, 10 September 2018). In December 2018, instances were reported of academic material being flagged in response to *Prevent*, limiting access of students and staff to specific academic material: Eleanor Busby, [‘Government’s counterterrorism is limiting texts and topics students can access, experts say’](#) (*The Independent*, 2 December 2018).

<sup>36</sup> Laura Donnelly, [‘Doctors ‘should not have to report’ concerns that patients have extremist ideologies’](#) (*The Telegraph*, 28 June 2018); British Medical Association, [‘Doctors’ responsibilities with anti-radicalisation strategy’](#) (BMA, 8 September 2020).